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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,456	10/04/2000	Stephen A. Rago	3728-109US	7545

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EXAMINER
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HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/30/2003

1H

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/679,456	RAGO, STEPHEN A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Monplaisir G Hamilton	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 23 July 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-3,6-9 and 11-32 is/are pending in the application.

4a) Of the above claim(s) 4,5 and 10 is/are cancelled.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,6-9 and 11-32 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/03 has been entered.
  
2. The communication filed on 7/23/03 amended Claims 1, 11, 16, 20, 25, and 28. Claims 1-3, 6-9 and 11-32 remain for examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to Claims 1-3, 6-9 and 11-32 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-9, 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6493804 issued to Solits et al, herein referred to as Solits.

Referring to Claims 1:

Solits discloses a method comprising the steps of: attaching said client to said file system (col 8, lines 20-30; col 10, lines 5-15); and reading a formal description of the file system by said client from said disc storage device, wherein said client can determine file information from the formal description of the file system to directly read and write data to and from said disc storage device without requiring further knowledge of said file system (col 6, lines 10-15; col 11, lines 50-60; col 12, lines 10-15; col 14, lines 55-60).

Referring to Claims 16, 20 and 25:

Solits discloses a method for reading or writing data from a storage source comprising: acquiring a description of a file system associated with a storage resource from the storage resource (col 11, line 60-col 12, lines 15; col 14, lines 55-60); and determining file information

from the description of a file system for reading or writing directly to the storage resource based on the description without requiring further knowledge of said file system (col 6, lines 10-15).

Referring to Claim 2:

Solits discloses the limitations of Claim 1 above. Solits further discloses reading enough information to determine the physical block and offset containing a given file's inode given its inode number (col 12, lines 40-45).

Referring to Claim 3:

Solits discloses the limitations of Claim 2 above. Solits further discloses reading enough information to determine the block list of a given file given an offset into the file and a length (col 13, lines 15-30, 55-60).

Referring to Claim 6:

Solits discloses the limitations of Claim 3 above. Solits further discloses sending a mount request; and receiving a mount response (col 9, line 25-30)

Referring to Claim 7:

Solits discloses the limitations of Claim 6 above. Solits further discloses said formal description of the file system read in step b. is saved for future use when a read request or a write request is made by said client (col 9, line 45-50)

Referring to Claim 8:

Solits discloses the limitations of Claim 7 above. Solits further discloses said disc storage device is located in a Storage Area Network (SAN) (col 8, lines 15-20).

Referring to Claim 9:

Solits discloses the limitations of Claim 7 above. Solits further discloses client is located in said server (col 10, lines 5-15).

Referring to Claims 17, 21 and 26:

Solits discloses the limitations of Claims 16, 20 and 25 above. Solits further discloses reading or writing data blocks associated with the file system (col 13, lines 15-30, 55-60).

Referring to Claims 22 and 27:

Solits discloses the limitations of Claims 20 and 25 above. Solits further discloses a computer configured to read and write files associated with the file system (col 13, lines 30-40).

Referring to Claims 18 and 23:

Solits discloses the limitations of Claims 16 and 22 above. Solits further discloses determining a block and an offset associated with a file on said file system based on a file identifier (col 12, lines 40-45).

Referring to Claims 19 and 24:

Solits discloses the limitations of Claims 18 and 22 above. Solits further discloses determining a block list associated with a file based on an offset into the file and a length (col 13, lines 15-30, 55-60).

5. Claims 28-32 rejected under 35 U.S.C. 102(e) as being anticipated by US 6389420 issued to Vahalia et al, herein referred to as Vahalia.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to Claim 11:

Vahalia discloses a self-describing file system comprising: a disc storage device for storing data (Fig. 1; col 5, lines 25-30); a file server attachable to said disc storage device for accessing said disc storage device; and a client connected to said file server (Fig. 1), wherein said client obtains a formal description of the file system from the disc storage device containing the file system, and wherein said client can determine file information from the formal description

of the file system to directly read and write data to and from said disc storage device without requiring further knowledge of said file system (Fig 1, col 5, lines 20-40).

Referring to Claim 28:

Vahalia discloses a system comprising: a server configured to: send a file system description associated with a storage resource to a client (col 5, lines 30-38); and a client configured to: receive the file system description from the server, and determine file information from the description of a file system to read or write directly to the storage resource based on the description without requiring further knowledge of said file system (col 5, lines 39-43).

Referring to Claim 12:

Vahalia discloses the limitations of Claim 11 above. Vahalia further discloses a client is configured to read enough information to determine the physical block and offset containing a given file's inode given its inode number (col 5, lines 35-40; col 13, lines 20-30).

Referring to Claim 13:

Vahalia discloses the limitations of Claim 12 above. Vahalia further discloses a client is configured for reading enough information to determine the block list of a given file given an offset into the file and a length (col 5, lines 35-40).

Referring to Claim 14:

Vahalia discloses the limitations of Claim 13 above. Vahalia further discloses said disc storage device is located in a Storage Area Network (SAN) (col 5, lines 5-10; Fig 1).

Referring to Claim 15:

Vahalia discloses the limitations of Claim 13 above. Vahalia further discloses said client is located on said server (col 7, lines 10-20).

Referring to Claim 29:

Vahalia discloses the limitations of Claim 28 above. Vahalia further discloses a client configured to read and write data blocks associated with the file system (col 6, lines 30-50).

Referring to Claim 30:

Vahalia discloses the limitations of Claim 28 above. Vahalia further discloses a client configured to read and write files associated with the file system (col 6, lines 30-50).

Referring to Claim 31:

Vahalia discloses the limitations of Claim 30 above. Vahalia further discloses a client configured to determine a block and offset associated with a file based on a file identifier (col 5, lines 35-40).

Referring to Claim 32:

Vahalia discloses the limitations of Claim 30 above. Vahalia further discloses a client configured to determine a block list associated with a file based on an offset into the file and a length (col 5, lines 35-40).

*Prior Art*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6556998 issued to Mukherjee, Sarit et al. Mukherjee discloses a distributed file system using autonomous disks is disclosed. The file system includes autonomous data disks that store the application data of the distributed file system. Legacy attribute disks store the file system's meta-data and directory structure. The directory structure is stored on the legacy attribute disks using the native file system. One of the clients of the file systems is utilized as a configuration manager to control access to the system. The distributed file system employs agents to support real-time applications and concurrent read/write to files.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 1703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton



SHAHID ALAM  
PRIMARY EXAMINER